

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/519,813 Confirmation : 5411

Applicant(s) : Hiroyuki HACHIMOTO et al.

Filed : December 27, 2004

Title : METHOD FOR PRODUCING PROBE CARRIER, APPARATUS
FOR PRODUCING THE SAME AND METHOD FOR QUALITY
ASSURANCE THEREFOR

Art Unit : 1637

Examiner : Teresa E. STRZELECKA

Docket No. : 1232-5570

Customer No. : 27123

**RESPONSE TO COMBINED RESTRICTION
AND ELECTION REQUIREMENTS**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action dated June 29, 2007 was a Restriction Requirement, which identified the following patentably distinct of inventions among the pending claims:

<u>Group</u>	<u>Description</u>
I	Claims 1-8, 11, 12 and 15, allegedly drawn to a method for producing a probe carrier.
II	Claims 9 and 10, allegedly drawn to a producing system.
III	Claims 13 and 14, allegedly drawn to a prove carrier.

Appl. No. 10/519,813
Paper dated July 27, 2007
Reply to Requirement dated June 29, 2007

In response to this Restriction Requirement, this paper provisionally elect to pursue prosecution of Group I. At least claims 1-8, 11, 12 and 15 are believed to be encompassed by that election.

In addition, the Office Action also required an election between the following species:

<u>Species</u>	<u>Description</u>
A	Probe information is a weight of the probe (claim 4)
B	Probe information is a purity of the probe (claim 5)
C	Probe information is a base sequence information of a nucleic acid (claim 6).

In response, this paper provisionally elects to pursue prosecution of species B. At least claim 5 is believed to be encompassed by that election.

These elections are made with traverse. For such a requirement to be proper, “[t]here must be a serious burden on the examiner if restriction is not required.” M.P.E.P. § 803. It is respectfully submitted that (1) all the pending claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, the Restriction Requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

Appl. No. 10/519,813
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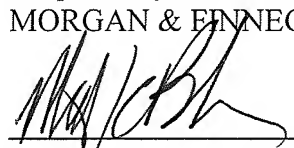
Should the combined restriction and election requirements be made final, the right is expressly reserved to present any withdrawn claims in divisional application(s). In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5570.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: July 27, 2007

By:



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